

Hon. Tiffany M. Cartwright

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

PERIDOT TREE WA, INC.,

Plaintiff,

v.

WASHINGTON STATE LIQUOR AND  
CANNABIS BOARD AND WILLIAM  
LUKELA, in his capacity as director of  
Washington State Liquor and Cannabis Board

Defendants.

Civil No. 3:23-cv-06111-GJL

**PLAINTIFF’S OPPOSITION TO  
DEFENDANTS’ MOTION FOR ENTRY OF  
FINAL ORDER PURSUANT TO FRCP  
65(A)(2)**

Note on Motion Calendar: 1/26/2024  
Without oral argument

Plaintiff opposes Defendants’ Motion for Entry of Final Order Pursuant to FRCP 65(A)(2). There is no reason for the Court to enter a final order in this case. Plaintiff appealed the Court’s denial of a preliminary injunction on January 11, 2024. Plaintiff’s opening brief is due February 9; Defendants’ answering brief is due on March 8, and Plaintiff’s reply is due 21 days after Defendants serve the answering brief.

Plaintiff will present to the Court whether the dormant Commerce Clause applies to state-legal cannabis, which is the entire basis for Defendants moving for a final order. Defendants’ argument that the Court should issue a final order because “a final order would permit Plaintiff to pursue review in the Ninth Circuit Court of Appeals, if they so choose” is irrelevant because the matter is already on appeal.

The case should proceed in this Court while the preliminary injunction order is on appeal so the parties can develop the facts. The Court denied injunctive relief based in part on

1 Defendants' representation that applicants have spent money while relying on a forthcoming  
2 cannabis license. The Court also denied injunctive relief based in part on Defendants'  
3 representation that Plaintiff's application would not score high enough to receive a license.  
4 Plaintiff wishes to obtain discovery on those issues any other facts upon which Defendants will  
5 rely if the Ninth Circuit concludes the dormant Commerce Clause applies to cannabis.

6  
7 DATED this January 18, 2024

JEFFREY M. JENSEN

8  
9 By: /s/ Jeffrey M. Jensen

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**WORD COUNT CERTIFICATION**

I certify that this memorandum contains 233 words, in compliance with the Local Civil Rules.

DATED this January 18, 2024

JEFFREY M. JENSEN

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